

Application Serial No.: 10/582,813
Attorney Docket No.: 26068-27B

Examiner: D. Nguyen
Art Unit: 2818

REMARKS

Claims 12-17, 20, 21-36, 39 and 40-48 are currently pending in this application. Claims 18, 19, 37 and 38 have been withdrawn from consideration as being directed to non-elected species, and claims 1-11 and 49-56 have been withdrawn as directed to a non-elected invention.

Election/Restriction

Applicants acknowledge that the Examiner has requested restriction of the invention between Group I (Claims 12-48) directed to a semiconductor device assembly, Group II (Claims 1-11) directed to methods of exhibiting a switching behavior in the planar Hall effect of a magnetic film that exhibits both planar Hall effect and biaxial magnetic anisotropy, and Group III (Claims 49-56) directed to methods of operating a magnetoresistive random access memory. In addition, Applicants acknowledge that the Examiner has indicated that the application contains claims that are directed to patentably distinct species of the invention and has requested that Applicants elect a single disclosed species for prosecution on the merits. Applicants hereby elect with traverse the invention of Group I (Claims 12-48) for prosecution on the merits. Applicants also elect with traverse Species 3 (wherein one conductive film is positioned below and the other conductive film is positioned above the active area) for prosecution on the merits and have withdrawn claims 18, 19, 37 and 38 from consideration as being directed to non-elected species. Applicants believe that claims 12-17, 20, 21-36, 39 and 40-48 are readable on Species 3.

This Restriction Requirement is traversed because this application is a National Stage application filed under 35 U.S.C. 371. Therefore, this application cannot properly be restricted pursuant to 37 CFR 1.141-1.146. Instead, this application is governed by unity of invention pursuant to 37 CFR 1.475. The Examiner's attention is also directed to MPEP Section 1893.03(d) which states that "Examiners are reminded that unity of invention **>(not restriction practice pursuant to 37 CFR 1.141-1.146)< is applicable in

{W1639044}

Application Serial No.: 10/582,813
Attorney Docket No: 26068-27B

Examiner: D. Nguyen
Art Unit: 2818

international applications (both Chapter I and II) and in national stage applications submitted under 35 U.S.C. 371."

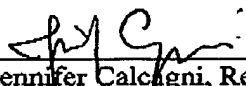
Thus it is respectfully submitted that the restriction between the claims in this application is improper and should be withdrawn. It is further submitted that the present invention fulfills the requirements for unity of invention pursuant to 37 CFR 1.475 because the claims are drawn to a product and the process of use of the product. Applicants respectfully request that the restriction requirement be withdrawn and that non-elected claims 1-11, 18, 19, 37, 38 and 49-56 be rejoined in the application for consideration on the merits.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the present application is ready for consideration on the merits of all of the claims of the application.

If any issues remain, that prohibit an Office Action on the merits of all of the claims of the application, it is respectfully requested that the undersigned be contacted at 203-575-2648 for a telephone interview prior to the issuance of a next office action.

Respectfully submitted,


Jennifer Calcagni, Reg. 50,207
Carmody & Torrance LLP
50 Leavenworth Street
P. O. Box 1110
Waterbury, CT 06721-1110
(203) 575-2648

{W1639044}